

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

FRANKIE BROWN,)	
)	
Plaintiff,)	No. 07 C 6490
)	
v.)	Judge Robert M. Dow
)	
CITY OF MARKHAM and City of Markham)	Magistrate Judge Nan R. Nolan
Police Officers HARRIS, D. Walker)	
(Star #526), and UNKNOWN MARKHAM)	
POLICE OFFICERS,)	
)	
Defendants.)	

CITY OF MARKHAM'S RESPONSES TO PLAINTIFF'S
SECOND REQUEST FOR PRODUCTION

Defendant, CITY OF MARKHAM, pursuant to Rule 34 of the Federal Rules of Civil Procedure, for its Responses to Plaintiff's Second Set of Requests for Production to Defendant City of Markham served upon it in this action on March 10, 2008, states as follows:

REQUEST NO. 1: All Documents relating to the inventory of any items allegedly recovered from Plaintiff's home on May 30, 2007, including but not limited to both sides of any Evidence/Property receipts.

RESPONSE: Please see those documents previously produced in the course of discovery in this action along with those documents produced herewith.

REQUEST NO. 2: All Documents relating to the chain of custody of any items allegedly recovered from Plaintiff's home on May 30, 2007.

RESPONSE: Please see those documents previously produced in the course of discovery in this action along with those documents produced herewith.

REQUEST NO. 3: All Documents relating to the "confidential informant" who allegedly purchased narcotics from Plaintiff's home on May 29, 2007, including but not limited to the "master file" kept on that person, consisting of that person's Confidential Informant Information Record form, photo, criminal history, case reports in which that person provided information/assistance, receipts for monies received by that informant, correspondence related to that informant,



waiver form signed by the informant, and all aliases or Confidential Informant numbers assigned to that informant.

RESPONSE: Defendant objects to Request No. 3 on the basis that it seeks production of documents relating to a confidential informant for the City of Markham, disclosure of which violates not only the City of Markham's agreement with him to keep such information confidential, but that it also violates his right to privacy. Furthermore, disclosure of this individual could interfere with the City's ongoing criminal investigations and threaten this individual's security and safety should any information about him be inadvertently disclosed.

REQUEST NO. 4: All Documents relating to the "confidential informant" who allegedly purchased narcotics from Plaintiff's home on May 30, 2007, including but not limited to the "master file" kept on that person, consisting of that person's Confidential Informant Information Record form, photo, criminal history, case reports in which that person provided information/assistance, receipts for monies received by that informant, correspondence related to that informant, waiver form signed by the informant, and all aliases or Confidential Informant numbers assigned to that informant.

RESPONSE: Defendant objects to Request No. 4 on the basis that it seeks production of documents relating to a confidential informant for the City of Markham, disclosure of which violates not only the City of Markham's agreement with him to keep such information confidential, but that it also violates his right to privacy. Furthermore, disclosure of this individual could interfere with the City's ongoing criminal investigations and threaten that individual's security and safety should any information about him be inadvertently disclosed.

REQUEST NO. 5: All Documents relating to any communications between any employee of the Defendant City of Markham and the "confidential informant" who allegedly purchased narcotics from Plaintiff's home in May 2007.

RESPONSE: Defendant objects to Request No. 5 on the basis that it seeks production of documents relating to a confidential informant for the City of Markham, disclosure of which violates not only the City of Markham's agreement with him to keep such information confidential, but that it also violates his right to privacy. Furthermore, disclosure of this individual could interfere with the City's ongoing criminal investigations and threaten that individual's security and safety should any information about him be inadvertently disclosed.

REQUEST NO. 6: All Documents relating to any communications between any employee of the Defendant City of Markham and Plaintiff after May 31, 2007.

RESPONSE: None.

REQUEST NO. 7: All Documents relating to any information that Defendants allege Plaintiff provided to any employee of the Defendant City of Markham regarding illegal activity by other citizens.

RESPONSE: None other than the police reports previously provided to Plaintiff's counsel on January 28, 2008.

REQUEST NO. 8: All Documents relating to any information that Defendants allege Plaintiff provided regarding Bryant Johnson.

RESPONSE: None other than the police report previously provided to Plaintiff's counsel on January 28, 2008.

REQUEST NO. 9: All Documents relating to any information that Defendants allege Plaintiff provided regarding Terry Rogers or Jason Lewis.

RESPONSE: None other than the police report previously provided to Plaintiff's counsel on January 28, 2008.

REQUEST NO. 10: All Documents relating to any forfeiture proceedings initiated against any property allegedly recovered from Plaintiff in May 2007.

RESPONSE: None.

REQUEST NO. 11: All Documents relating to any forfeiture proceedings initiated against the \$150 obtained from Plaintiff's home in May 2007.

RESPONSE: None.

REQUEST NO. 12: All Documents relating to the inventory of any evidence of any narcotics allegedly purchased from Plaintiff's home on May 29, 2007, including but not limited to all Evidence/Property receipts.

RESPONSE: Please see those documents previously produced in the course of discovery in this action along with those documents produced herewith.

REQUEST NO. 13: All Documents relating to the inventory of any evidence of any narcotics allegedly purchased from Plaintiff's home on May 30, 2007, including but not limited to all Evidence/Property receipts.

RESPONSE: Please see those documents previously produced in the course of discovery in this action along with those documents produced herewith.

REQUEST NO. 14: All Documents relating to the chain of custody over any evidence allegedly recovered as a result of illegal drug sales made by Plaintiff on May 29 or May 30, 2007.

RESPONSE: Produced herewith.

REQUEST NO. 15: All Documents related to any bank accounts into which the \$150 obtained from Plaintiff's home in May 2007 was deposited.

RESPONSE: None.

REQUEST NO. 16: All Documents related to any log created regarding the deposit of the \$150 obtained from Plaintiff's home in May 2007, including the case number, criminal defendant's name, date of deposit, name of person making the deposit, amount of deposit, and the date of transfer to the permanent account or the date the money was returned to the criminal defendant.

RESPONSE: None other than the Property Inventory Sheet produced herewith.

REQUEST NO. 17: All Documents related to any funds provided to Plaintiff in exchange for his services as an informant for the Markham police department.

RESPONSE: None.

REQUEST NO. 18: All Documents related to any funds provided to Plaintiff for him to use as part of his activities as an informant for the Markham police department.

RESPONSE: None.

REQUEST NO. 19: All Documents relating to entries in a ledger in May, June, and July 2007 regarding use of informant funds, including but not limited to those identifying the date, amount, and purpose of the transactions.

RESPONSE: Defendant objects to Request No. 19 because such request is overbroad and not relevant to any claim or defense in this matter. Without waiving said objection, none at this time, investigation continues.

REQUEST NO. 20: All Documents relating to Plaintiff's activities as an informant with the Markham police department, including but not limited to the "master file" kept on him, consisting of his Confidential Informant Information Record form, photo, criminal history, case reports in which he allegedly provided information/assistance, receipts for monies received by him, correspondence related to him, waiver form signed by him, and all aliases or Confidential Informant numbers assigned to him.

RESPONSE: None.

REQUEST NO. 21: All Documents relating to any contacts between Markham police officers and the informant who allegedly purchased narcotics from Plaintiff's home on May 29, 2007.

RESPONSE: Defendant objects to Request No. 21 on the basis that it seeks production of documents relating to a confidential informant for the City of Markham, disclosure of which violates not only the City of Markham's agreement with him to keep such information confidential, but that it also violates his right to privacy. Furthermore, disclosure of this individual could interfere with the City's ongoing criminal investigations and threaten that individual's security and safety should any information about him be inadvertently disclosed.

REQUEST NO. 22: All Documents relating to any contacts between Markham police officers and the informant who allegedly purchased narcotics from Plaintiff's home on May 30, 2007.

RESPONSE: Defendant objects to Request No. 22 on the basis that it seeks production of documents relating to a confidential informant for the City of Markham, disclosure of which violates not only the City of Markham's agreement with him to keep such information confidential, but that it also violates his right to privacy. Furthermore, disclosure of this individual could interfere with the City's ongoing criminal investigations and threaten that individual's security and safety should any information about him be inadvertently disclosed.

REQUEST NO. 23: All Documents relating to any contacts between Markham police officers and Plaintiff during the time that Plaintiff was allegedly acting as an informant for the Markham police department.

RESPONSE: None.

REQUEST NO. 24: All Documents that reveal the identity of the Criminal Investigations Unit Supervisor during May 2007 to July 2007 for the Markham police department.

RESPONSE: None at this time, investigation continues.

REQUEST NO. 25: All Documents relating to a "Fund Receivable" form signed by any confidential informant(s) for money given to that informant(s) for the purpose of purchasing narcotics from Plaintiff in May 2007.

RESPONSE: Defendant objects to the production of the documents reflecting the informant's signature because such production violates not only the City of Markham's agreement with him to keep such information confidential, but that it also violates his right to privacy. Furthermore, disclosure of this individual could interfere with the City's ongoing criminal investigations and threaten that individual's security and safety should any information about him be inadvertently disclosed. Without waiving said objection, please see those documents labeled Bates Nos. 001 and 002 which have been previously produced in the course of discovery in this action and which the informant's signature has been redacted.

REQUEST NO. 26: All Documents relating to the next quarterly audit of the informant fund after May 30, 2007.

RESPONSE: Defendant objects to Request No. 26 because such request is overbroad and not relevant to any claim or defense in this matter. Without waiving said objection, none at this time, investigation continues.

REQUEST NO. 27: All Documents related to any censure of Plaintiff as an informant for the Markham police department.

RESPONSE: None.

REQUEST NO. 28: All Documents relating to any censure of any of the persons who allegedly acted as informants for the Markham police department against Plaintiff.

RESPONSE: None.

REQUEST NO. 29: All Evidence Property Receipts and all Inventory Report forms for any property allegedly recovered from Plaintiff's home in May 2007.

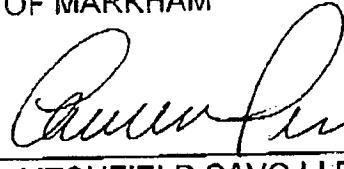
RESPONSE: See those documents previously produced in the course of discovery in this action and also those documents produced herewith.

REQUEST NO. 30: All Documents relating to the current location of all property allegedly recovered from Plaintiff's home on May 30, 2007.

RESPONSE: None other than those documents previously produced.

Dated: April 1, 2008

CITY OF MARKHAM

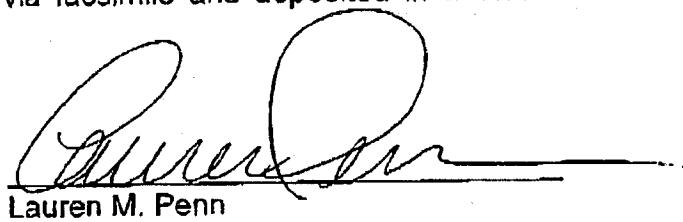
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CERTIFICATE OF SERVICE

I, Lauren M. Penn, an attorney, certify that on April 9, 2008, I caused a copy of **CITY OF MARKHAM'S RESPONSES TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION**, to be served on the parties to whom they are addressed by having copies delivered via facsimile and deposited in a United States Post Office box



Lauren M. Penn